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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *luil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kwen*) with cattle but exchanged (*luil*) for cattle"

The word *kwen* means the whole proceedure by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

[p. 181a]

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man marries the woman and not the woman the man: one can say "Duob has married Nyaluak" or "Nyaluak has been married by Duob", but one cannot say that Nyaluak has married Duob. It is understood that the woman was *kwen ka ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *kwen* them (*be gwanlen yang kene doude kwen*, the paternal uncle will receive a cow and a calf) and they are said to be *kwen* by the cattle (*baa deman kwen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok kwin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,[3] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[3] *The Nuer*, 1940, Chap. 1.

[P. 181 b]

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431 empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pie* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a commonsense inference that payment of bridewealth has a stabilising action
[586] in marriage. If the wife leaves her husband the cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[p. 182a]

583 431 One of the earliest British officers in Nuerland wrote that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 431 Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miemde* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual proceedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is 586 431 848 divorced and can remarry. On the other hand they may leave all their cattle with the wife's family

[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the mariage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

586 and kin and maintain thereby their rights in any
431 children she may 'bear in the bush' (*dieth dor*),
848 that is by lovers. She is then not divorced, but is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of these cattle and deduct the total cattle to legitimatize each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 The rules stated above are principles which
431 are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yoak* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

[p. 183a]

586
431 with her parents in the hope that they will later give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned ashes are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barrenness,[1] or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her
587 sons. I have never known a case in which a wife's
431 parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

[1] As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will leave a few with her parents in recognition of her place in his home as mate and housewife.

[p. 1836]

587 kin would undoubtedly use violence to get back
431 their cattle and, in addition, curse (*biir*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yiba*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

586 431 a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are very limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

586 583 431 It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (*loth*) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim
431 back their cattle and, if necessary, use force to
[587] obtain them. Should a wife leave her husband in these circumstances the problem of bride-wealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

583 I think it is evident, in view of the facts stated
431 above, that the fear of having to repay bride-
591 wealth cannot be said to be a very powerful
593 sanction of the marriage union. Nor is there any evidence of which I am aware that would suggest that the greater the number of cattle handed over the more stable the marriage is likely to prove. On the contrary the poverty of a suitor may be to his advantage since the parents of the girl whom he seeks in marriage can insist, and often do so, that he comes to live in their village, where they will receive constant aid from him in hoeing, fishing, building, and herding, and the accretion to their lineage of both the son-in-law who comes in course of time to identify his interests with those of his in-laws, and of his children, who would otherwise, with their daughter, be lost to them. A reputation for hard work, courage, and an amiable character go a long way towards making up for poverty of stock, especially if the father of the girl and the father of the youth are friends or the youth and the girls' brother are comrades.

581 I am prepared to say definitely that the stability
593 of Nuer marriage rests on quite other foundations than payments of bridewealth. It is founded on affection between the spouses, mutual goodwill between the families of husband and wife, and moral and legal norms. Nuer girls are not easily coerced into marriage and it is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her some time before asking for her hand and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As the Nuer observe a weaning taboo
[862] this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage.
606 Marriage is not only a conjugal relationship but also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal relationships which require adult adjustment
602 that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

582 602 him with a wife, or, indeed, to assist him in any way in a society which recognises no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruan*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

[p. 186 a]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer
684 she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 431 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Cieng* Pual have married a wife" or that "*Cieng* Dumien have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have know a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistences. However, a brother and a sister should not marry respectively a sister and her brother.

[p. 187a]

583 431 of a daughter for a wife. Payment of bridewealth is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[2] which among the Nuer is 40 head of cattle, 682 the same number as is paid for a bride. These bloodwealth cattle are divided among the kinsmen 431 of the dead man on the same plan of distribution as that obtaining in the distribution of bride- 583 wealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[3] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in 431 terms of lineages. Children are attached by payment of bridewealth to the lineage of their father, 611 the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[2] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[3] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

5:Evans-Pritchard E-5 (1931, 1936) 1947
FJ22 Nuer FJ22

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121

The distribution of bridewealth is a different process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 1886]